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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,382	03/01/2004	David J. Laverick	702.320	1093
38933 7590 04/27/2007 GARMIN LTD. C/O GARMIN INTERNATIONAL, INC. ATTN: Legal - IP 1200 EAST 151ST STREET OLATHE, KS 66062			EXAMINER TO, TUAN C	
			ART UNIT 3663	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/790,382	Applicant(s) LAVERICK ET AL.	
	Examiner Tuan C. To	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 21-23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-27 is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 18 recites "housing may be linearly raised and lowered...., approximately", in which the word "approximately" was held to be indefinite because it does not limit a range of a specific activity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mola et al. (US 6125030A).

Regarding claims 14 and 15, Mola et al. teaches a navigation system comprising:

A mounting unit 22 sized and configured to fit within an open port in the overhead console of a motor vehicle (see figures 1 and 2).

A navigation device (set forth as a "micronav" by Magellan Driver Information Systems) that includes a navigation component (such as a GPS receiver), a memory (for storing map data) and a processor for determining the location of the device. It should be noted that all navigation systems have similar components to those listed in the claims in order to function as a navigation aid (see column 1, lines 11-17).

A housing (body20) that is attached to the mounting unit (22) (see column 2, lines 18-21).

As for the language concerning the "removal of a different component and that the old component was originally installed by the manufacturer", these have the same effect as "product-by-process" steps and are given very little weight in apparatus claims. If you have the apparatus, you meet the structure of the claims. That type of language is only given substantial weight in method claims. In the instant case, Mola et al. meets

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all of the structural features and therefore meets the claim (note also that the preamble simply calls for a navigation system).

As shown in figure 3, the door (22) is a mounting unit that raises and lowers the navigation unit (20) between two linear viewing positions. In first raised position, only a lower portion of the display may be view since in the raised position, only a part of the display can be view. In a second lower position (see figure 1, the door 22 is at a right angle with the overhead consol body), all of the display can be viewed.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mola et al. (US 6125030A) and in view of Blank et al. (US 5576687A).

As to claim 16, As to claim 16, the navigation in Mola et al. is implemented for navigation so that the display (20) is configured to display a location on a map (see figure 1, the display (20) shows a map including current location).

Blank et al. teaches a vehicle display system in which the heading and temperature are displayed on the display (26) (figures 1 and 3A; column 2, lines 50-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Mola et al. to include the display that displays heading and temperature as taught by Blank et al. to have advantage of determining the current direction of the traveling vehicle as well as determining the outside temperature.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mola et al. (US 6125030A) and in view of Kitazawa (US 6633347B2).

Mola et al. fails to include « mounting unit assembly is operable to pivot the navigation device left and right relative to the open port”.

The secondary reference to Kitazawa includes a mounting unit is operable to pivot the to the left and right relative to the open port (23) (see figure 3; column 4, lines 62-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Mola et al. to include the teaching as taught in Kitazawa to have advantage of adjusting the display screen to a position that if a user want to switch the viewing position of display from left side view to a right side view or to switch from right side view to a left side view as desired.

Allowable Subject Matter

Claim 18-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 24-27 are remained allowable.

Response to Arguments

The applicant's request of continued examination has been fully considered. However, the application cannot be placed in a condition of allowance because the cited prior art have been found suggest the claimed limitations.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

April 23, 2007